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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/016,551	KVACHE ET AL.
	Examiner	**Art Unit**	
	Md S. Elahee	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 November 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7,9-11,14-29 and 31-53* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-7,9-11,14-29 and 31-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is responsive to an amendment filed on 11/27/2007. Claims 1, 3-7, 9-11, 14-29 and 31-53 are pending. Claims 2, 8, 12, 13 and 30 have been previously cancelled.

Response to Arguments

2.   Applicant's arguments in the 11/27/2007 Remarks regarding claims 42-47 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

3.   Applicant's arguments in the 11/27/2007 Remarks regarding claims 1, 3-7, 9-11, 14-19 and 48-53 have been fully considered but they are not persuasive because of the following:

Regarding claim 1, the applicant argues on pages 21-23 that neither DAHLEN nor AKTAS et al. discloses or suggests initiating a telephony call to a receiving party at a pre-determined date or time included in the delivery data specified by the receiving party. This argument is not relevant. It is because, the applicant did not claim pre-determined date or time included in the delivery data specified by the receiving party. Instead, the applicant claims pre-determined date or time included in the delivery data. In col.7, line 45-col.8, line 14, DAHLEN discloses that when the target time is reached a call to a called party is initiated and the target

time is associated with the message text [i.e., delivery data] and AKTAS teaches pre-determined date or time included in the delivery data (see page 3, paragraph 0045).

Thus, the rejection of the claim will remain. The rejection of the claims 19 and 20 will remain for the same reasons as discussed above with respect to claim 1.

Regarding claims 37 and 48, the applicant argues on pages 35-39, that DAHLEN, TULLIS et al., and THRO et al., whether taken alone, or in any reasonable combination, do not disclose or suggest instructions for initiating a voice call to a receiving party at a predetermined date and time specified by the receiving party. Examiner respectfully disagrees with this argument. In col.3, lines 1-6, 52-59, col.5, lines 26-45, Thro teaches initiating a voice call to the receiving party and in col.6, lines 1-15, col.7, lines 25-44, Thro further teaches calls initiation occurred based on time of day/day of week/day of year (col.7, lines 35-39) specified by the receiving party. It clearly means that the time of day/day of week/day of year is the claimed "a predetermined date and time specified by the receiving party". Therefore, it is clear that Thro the limitation. Thus, the rejection of the claims in view of DAHLEN, TULLIS et al., and THRO will remain.

Claim Objections

4.   Claim 1 is objected to because of the following informalities: regarding claim 48, the phrase "at at least" in line 18 should apparently be "at least". Appropriate correction is required.

5.   Claim 48 is objected to because of the following informalities: regarding claim 48, the phrase "the receiving" in lines 16-17 should apparently be "receiving". Appropriate correction is required.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

8.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9.   Claims 1, 3-7, 9-11, 13, 19 and 50 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dahlén (U.S. Patent No. 5,870,454) in view of Aktas et al. (U.S. Pub. No.

2003/0028604).

Regarding claim 1, with respect to Figures 1-4, Dahlén teaches a method comprising:

receiving a message and one or more message attachments intended for the receiving

party, the message being received in a source message format and the one or more message

attachments being received in a source attachment format (col.6, lines 5-24, 61-65);

translating the message from the source message format to message text (col.6, lines 5-

32, col.7, lines 10-25);

converting the message text and the attachment text to a speech [i.e., audible] message

when the analyzing determines that the message should be delivered to the receiving party (col.6,

lines 5-24, col.7, lines 10-25, col.9, lines 17, 18, 26-45);

initiating a telephony call to the receiving party at at least one of a pre-determined date or

time included in the delivery data (col.7, line 45- col.8, line 29, lines 42-53, col.9, lines 61-67,

col.10, lines 11-48);

delivering the message audible message to the subscriber during the telephony call (col.8,

lines 42-53, col.9, lines 61-67, col.10, lines 11-48); and

However, Dahlén does not specifically teach "generating a user profile for the receiving

party that includes user-defined criteria and delivery data specified by the receiving party". Aktas

teaches generating a user profile for the receiving party that includes user-defined criteria and

delivery data specified by the receiving party (page no.3, paragraphs 0036,0038,0039,0045).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Dahlén to incorporate the feature of generating a user profile for the receiving party that includes user-defined criteria and delivery data specified by the receiving party as taught by Aktas. The motivation for the modification is to do so in order to deliver the message to the intended recipient after checking the subscriber's specified pre-selected criteria.

Dahlén does not specifically teach "identifying, based on the user-defined criteria, portions of the message to be analyzed against the user-defined criteria". Aktas teaches identifying, based on the user-defined criteria, portions of the message to be analyzed against the user-defined criteria (page no.3, paragraphs 0036,0038,0039,0045). (Note; since data/message is transmitted based on user defined data selection criteria and the data/message must have header information [i.e., portions of the message], it is clear that the header information must be analyzed against user defined data selection criteria in order to transmit the message.) Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to incorporate the feature of identifying, based on the user-defined criteria, portions of the message to be analyzed against the user-defined criteria as taught by Aktas. The motivation for the modification is to do so in order to transmit the message to a recipient after checking the header information of the message.

Dahlén further does not specifically teach "analyzing the identified portions of the message to determine whether the message should be delivered to the receiving party based on one or more of the user-defined criteria". Aktas teaches analyzing the identified portions of the message to determine a priority for the message for the user [i.e., whether the message should be delivered to the receiving party] based on one or more of the user-defined criteria (page no.3, paragraphs 0039,0045). Thus, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Dahlén to incorporate the feature of analyzing the

identified portions of the message to determine whether the message should be delivered to the

receiving party based on one or more of the user-defined criteria as taught by Aktas. The

motivation for the modification is to do so in order to transmit the message to the intended

recipient.

Dahlén further does not specifically teach translating the one or more message

attachments from the source attachment format into attachment text. Aktas teaches translating

the one or more message attachments from the source attachment format into attachment text

(page no.2, paragraphs 0028,0030, page no.3, paragraph 0036). Thus, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to

translate the one or more message attachments from the source attachment format into

attachment text as taught by Aktas. The motivation for the modification is to do so in order to

transmit a text attachment with a text message for a particular recipient.

Regarding claim 3, Dahlén teaches the user profile data including data identifying at least

one of a message type (col.3, lines 34-47, col.4, lines 17-25, col.7, lines 45-54, col.9, lines 61-

67).

Regarding claim 4, Dahlén teaches testing the message against the user profile data

(col.7, lines 45-54).

However, Dahlén does not specifically teach "determining that the message should be

delivered when the message passes the test". Aktas teaches determining that the message should

be forwarded when the filtering criteria is met [i.e., the message passes the test] (page no.3, paragraph 0039). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to incorporate the feature of determining that the message should be delivered when the message passes the test as taught by Aktas. The motivation for the modification is to do so in order to deliver the message to the intended recipient after checking the subscriber's preference.

Regarding claims 5-7, Dahlén does not specifically teach monitoring a message server for arrival of new messages intended for the receiving party, wherein monitoring a message server includes periodically checking the message server for new messages and receiving a notification from the message server whenever a new message arrives. Aktas teaches monitoring a message server for arrival of new messages intended for the receiving party, wherein monitoring a message server includes periodically checking the message server for new messages and receiving a notification from the message server whenever a new message arrives (page no.3, paragraphs 0036,0038-0041,0045). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to incorporate monitoring a message server for arrival of new messages intended for the receiving party, wherein monitoring a message server includes periodically checking the message server for new messages and receiving a notification from the message server whenever a new message arrives as taught by Aktas. The motivation for the modification is to do so in order to deliver notification for an urgent message to an intended recipient.

Claim 9 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Dahlén teaches a text-to-speech translator (fig.1, item 80).

Regarding claim 10, Dahlén teaches creating an envelope from at least one of a From, To, Subject, or Date header field corresponding to the message (col.6, lines 51-60, col.7, line 45-47).

Regarding claim 11, Dahlén teaches translating the message text and the envelope into an audible message (col.6, lines 5-24, col.9, lines 17, 18, 26-45, col.10, lines 1-17).

Claim 19 is rejected for the same reasons as discussed above with respect to claims 1, 2 and 4.

Regarding claim 50, Dahlén teaches that the delivery data specifies a minimum number of messages that are to be delivered to the receiving party before the initiating of the telephony call is performed (col.6, lines 51-65, col.7, line 45-54).

10.   Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Tullis et al. (U.S. Patent No. 5,802,314).

Regarding claim 14, Dahlén in view of Aktas fails to teach "generating a description of the one or more message attachments when the one or more message attachments are not convertible into text". Tullis teaches generating a description of the one or more file attachments

when the one or more file attachments are not convertible into the text (col.20, lines 30-45; 'file attachments' reads on the claim 'message attachments'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to allow generating a description of the one or more message attachments when the one or more message attachments are not convertible into text as taught by Tullis. The motivation for the modification is to do so in order to deliver the description of unconvertible message.

Claim 15 is rejected for the same reasons as discussed above with respect to claim 13. Furthermore, Dahlén teaches translating the generated description into the audible format (col.10, lines 11-17).

11.   Claims 16, 17 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Rodriguez et al. (U.S. Pub. No. 2002/0067806).

Regarding claim 16, Dahlén in view of Aktas fails to teach "determining whether the telephony call reaches the receiving party". Rodriguez teaches determining whether the recipient is available (page no.2-3, paragraphs 0028-0029; 'the recipient is available' reads on the claim 'telephony call reaches the receiving party'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to allow determining whether the telephony call reaches the receiving party as taught by Rodriguez. The motivation for the modification is to do so in order to provide the indication whether the recipient is available.

Dahlén in view of Aktas further fails to teach "retrying the telephony call a predetermined number of times if the telephony call fails to reach the receiving party". Rodriguez teaches attempting to contact the recipient again if the recipient is unavailable for a period of time to elapse (page no.2-3, paragraph 0029; 'attempting to contact the recipient again' reads on the claim 'retrying the telephony call a predetermined number of times' and 'the recipient is unavailable for a period of time to elapse' reads on the claim 'the telephony call fails to reach the receiving party'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to allow retrying the telephony call a predetermined number of times if the telephony call fails to reach the receiving party as taught by Rodriguez. The motivation for the modification is to do so in order to make several attempts to contact the subscriber.

Claim 17 is rejected for the same reasons as discussed above with respect to claim 16. Furthermore, Dahlén in view of Aktas fails to teach "initiating a second telephony call to an alternate telephone number if the telephony call fails to reach the receiving party". Rodriguez teaches attempting to contact the recipient again [i.e., initiating a second telephony call to an alternate telephone number] if the recipient is unavailable for a period of time to elapse [i.e., the telephony call fails to reach the receiving party] (abstract; page no.2-3, paragraph 0029). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to allow initiating a second telephony call to an alternate telephone number if the telephony call fails to reach the receiving party as taught by Rodriguez.

The motivation for the modification is to do so in order to make alternate routing to contact the subscriber.

Claim 52 is rejected for the same reasons as discussed above with respect to claim 17. Furthermore, Dahlén teaches calling a first telephone number specified in the delivery data (col.7, lines 45-54, 58-65).

12.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Fortman et al. (U.S. Patent No. 5,987,100).

Claim 18 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Dahlén teaches authenticating the calling party based on at least one of a user identifier, a personal identification number, or a password and delivering message to a called party (fig.2A, item 234; col.4, lines 26-39, col.5, lines 40-44, col.8, lines 42-53, col.9, lines 61-67, col.10, lines 11-48).

However, Dahlén in view of Aktas does not specifically teach authenticating the receiving party based on at least one of a user identifier, a personal identification number, or a password and transmitting the audible message to the receiving party after successful authentication of the receiving party. Fortman teaches checking [i.e., authenticating] the subscriber [i.e., receiving party] based on the identity [i.e., at least one of a user identifier, a personal identification number, or a password] and notifying [i.e., transmitting the audible message] the subscriber after successful authentication of the subscriber (col.8, lines 33-38).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Dahlén in view of Aktas to incorporate authenticating the receiving party based

on at least one of a user identifier, a personal identification number, or a password as well as

transmitting the audible message to the receiving party after successful authentication of the

receiving party as taught by Fortman. The motivation for the modification is to do so in order to

validate the identity of a particular user and deliver a particular message to the authenticated

user.

13.   Claims 20-29, 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dahlén in view of Aktas et al. further in view of Thro et al. (U.S. Patent No. 6,147,977).

Claims 20 and 31 are rejected for the same reasons as discussed above with respect to

claim 1. Furthermore, Dahlén in view of Aktas does not specifically teach initiate a telephony

call to the receiving party at a time specified by the receiving party before the message with the

one or more message attachments is obtained. Thro teaches initiate a telephony call to the

receiving party at a time specified by the receiving party before the message with the one or

more message attachments is obtained (col.3, lines 1-6, 52-59, col.5, lines 26-45, col.6, lines 1-

15). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Dahlén in view of Aktas to initiate a telephony call to the receiving party at

a time specified by the receiving party before the message with the one or more message

attachments is obtained as taught by Thro. The motivation for the modification is to do so in

order to screen the incoming calls based on called party's choice.

Regarding claims 21, Dahlén teaches that the target format is a text format (col.6, lines 5-32, col.7, lines 10-25).

Regarding claim 22, Dahlén teaches a service setup device configured to obtain user profile data that identifies at least one criterion indicating a time at which messages should be delivered to the receiving party (col.7, lines 45-54, col.9, lines 61-67).

Claims 23-29 are rejected for the same reasons as discussed above with respect to claims 3-7, 10 and 11 respectively.

Claim 34 is rejected for the same reasons as discussed above with respect to claims 16 and 17.

14.   Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Tullis et al. (U.S. Patent No. 5,802,314).

Claims 32 and 33 are rejected for the same reasons as discussed above with respect to claims 14 and 15.

15.   Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén (in view of Aktas et al. further in view of Rodriguez et al. (U.S. Pub. No. 2002/0067806).

Claim 35 is rejected for the same reasons as discussed above with respect to claim 17.

16.   Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Fortman et al. (U.S. Patent No. 5,987,100).

Claim 36 is rejected for the same reasons as discussed above with respect to claim 18.

17.   Claims 37-40, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Tullis et al. further in view of Thro et al. (U.S. Patent No. 6,147,977).

Regarding claim 37, with respect to Figures 1-4, Dahlén teaches a computer-readable medium that stores instructions executable by at least one computer to perform a method for presenting a message to a receiving party, comprising:

instructions for receiving [i.e., obtaining] a message intended for the receiving party, the message including one or more message attachments (col.6, lines 5-32, 61-65, col.7, lines 10-25);

instructions for initiating a voice call to the receiving party at a predetermined date and time specified by the calling party (col.7, line 45- col.8, line 29, lines 42-53, col.9, lines 61-67, col.10, lines 11-48);

instructions for delivering [i.e., presenting] the message with the one or more attachments to the receiving party during the phone call] [i.e., voice call] (col.6, lines 5-24, col.8, lines 42-53, col.9, lines 17, 18, 26-45, 61-67, col.10, lines 11-48); and

However, Dahlén does not specifically teach "instructions for determining whether one or more message attachments are convertible into a target format". Tullis teaches instructions for determining whether one or more file attachments [i.e., message attachments] are convertible into a text [i.e., target format] (col.20, lines 30-45). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to incorporate instructions for determining whether one or more message attachments are convertible into a target format as taught by Tullis. The motivation for the modification is to do so in order to verify whether the message attachments are convertible.

Dahlén further fails to teach "instructions for generating a description of the one or more message attachments when the one or more message attachments are not convertible into the target format". Tullis teaches instructions for generating a description of the one or more file attachments when the one or more file attachments [i.e., message attachments] are not convertible into the text [i.e., target format] (col.20, lines 30-45). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to incorporate instructions for generating a description of the one or more message attachments when the one or more message attachments are not convertible into the target format as taught by Tullis. The motivation for the modification is to do so in order to deliver the description of unconvertible message.

Furthermore, Dahlén in view of Tullis does not specifically teach requesting, based on information in a user profile associated with the receiving party, portions of the message for analysis using the user profile information to determine that the message is to be converted. Thro teaches requesting, based on information in a user profile associated with the receiving party, portions of the message for analysis using the user profile information to determine that the message is to be converted (col.3, lines 1-6, 52-59, col.5, lines 26-45, col.6, lines 1-15, col.7, lines 25-44). (Note; since message is transmitted based on user defined criteria and the message must have header information [i.e., portions of the message], it is clear that the header information must be analyzed against user defined criteria in order to transmit the message.) Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Tullis to incorporate the feature of requesting, based on information in a user profile associated with the receiving party, portions of the message for analysis using the user profile information to determine that the message is to be converted as taught by Thro. The motivation for the modification is to do so in order to transmit the message to a recipient after checking the header information of the message.

Dahlén in view of Tullis does not specifically teach initiating a voice call to the receiving party at a predetermined date and time that is specified by the receiving party before the message is obtained. Thro teaches initiating a voice call to the receiving party at a predetermined date and time that is specified by the receiving party before the message is obtained (col.3, lines 1-6, 52-59, col.5, lines 26-45, col.6, lines 1-15, col.7, lines 25-44). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Tullis to initiate a voice call to the receiving party at a

predetermined date and time that is specified by the receiving party before the message is obtained as taught by Thro. The motivation for the modification is to do so in order to screen the incoming calls based on called party's choice.

Regarding claim 38, Dahlén teaches calling the interacting with a message server to obtain the message (col.10, lines 19-48).

Claim 39 is rejected for the same reasons as discussed above with respect to claim 42.

Regarding claim 40, Dahlén teaches converting the message from a source format to an audible format (col.10, lines 1-17).

Claim 48 is rejected for the same reasons as discussed above with respect to claim 37. Furthermore, Dahlén teaches the message including a message portion and one or more attachments in a source format (col.6, lines 5-32, col.10, lines 1-17).

Regarding claim 49, Dahlén teaches that the telephony device includes one of a wireline and wireless communication device (fig.1).

18.   Claims 42 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Henrick (U.S. Patent No. 6,779,020).

Claim 42 is rejected for the same reasons as discussed above with respect to claims 1 and 5. Furthermore, Dahlén teaches prior to monitoring messages, interacting with a caller to generate a user profile that identifies at least one message criterion that indicates a date or time when the messages should be delivered to the user (col.6, lines 51-65).

However, Dahlén does not specifically teach "generate a user profile that identifies at least one message criterion". Aktas teaches generating a user profile that identifies at least one message criterion (page no.3, paragraphs 0036,0038,0039,0045). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén to incorporate the feature of generating a user profile that identifies at least one message criterion as taught by Aktas. The motivation for the modification is to do so in order to deliver the message to the intended recipient after checking the subscriber pre-selected criteria.

Dahlén in view of Aktas does not specifically teach "interacting with a user to generate a user profile". Henrick teaches interacting with a user to generate a user profile (col.3, line 64-col.4, line 3). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas to incorporate the feature of interacting with a user to generate a user profile that identifies at least one message criterion as taught by Henrick. The motivation for the modification is to do so in order to receive the user's preference such that message can be delivered to an intended recipient based on his choice.

Claim 45 is rejected for the same reasons as discussed above with respect to claim 33.

Claims 46 and 47 are rejected for the same reasons as discussed above with respect to claims 5-7.

19.   Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Henrick further in view of Fortman et al. (U.S. Patent No. 5,987,100).

Claim 43 is rejected for the same reasons as discussed above with respect to claim 18. Furthermore, Dahlén in view of Aktas further in view of Henrick does not specifically teach validating the user identification and password data with the message server. Fortman teaches checking [i.e., validating] the subscriber identity [i.e., user identification and password data] with the mailbox [i.e., message server] (col.8, lines 31-38). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas further in view of Henrick to incorporate validating the user identification and password data with the message server as taught by Fortman. The motivation for the modification is to do so in order to authenticate the identity of a particular user to deliver a particular message from a message storage.

20.   Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Aktas et al. further in view of Henrick further in view of Fortman et al. (U.S. Patent No. 5,987,100) further in view of Rodriguez et al. (U.S. Pub. No. 2002/0067806).

Regarding claim 44, Dahlén in view of Aktas further in view of Henrick further in view of Fortman does not specifically teach "determining whether the logon is successful". Rodriguez teaches determining if the correct code is entered (page no.3, paragraph 0033; 'if the correct code is entered' reads on the claim 'whether the logon is successful'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas further in view of Henrick further in view of Fortman to allow determining whether the logon is successful as taught by Rodriguez. The motivation for the modification is to do so in order to determine the subscriber of the mailbox.

Dahlén in view of Aktas further in view of Henrick further does not specifically teach attempting to logon to the message server using the user identification and password data. Fortman teaches attempting to logon to the mailbox using the subscriber identity (col.8, lines 31-38). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas further in view of Henrick to incorporate attempting to logon to the message server using the user identification and password data as taught by Fortman. The motivation for the modification is to do so in order to retrieve a message from a secured message storage.

21.   Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén in view of Tullis et al. further in view of Thro et al. further in view of Aktas et al. (U.S. Pub. No. 2003/0028604).

Claim 41 is rejected for the same reasons as discussed above with respect to claim 1.

22.   Claims 51 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlén

in view of Aktas et al. further in view of Rodriguez et al. further in view of Arumainayagam et

al. (U.S. Patent No. 5,659,599).

        Claim 51 is rejected for the same reasons as discussed above with respect to claim 16.

Furthermore, Dahlén in view of Aktas further in view of Rodriguez fails to teach "maximum

number of retries specified by the delivery data". Arumainayagam teaches that maximum

number of retries specified by the delivery data (col.10, lines 37-44). Thus, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in

view of Aktas further in view of Rodriguez to incorporate maximum number of retries specified

by the delivery data in Dahlén's invention in view of Aktas further in view of Rodriguez as

taught by Arumainayagam. The motivation for the modification is to do so in order to provide

the indication of delivery attempt such that the system can try to reach a called party's device in

a specified number of times of re-attempts and thereby reduce the time for the certain re-attempts

instead of trying again and again until the recipient answers the call.

        Claim 53 is rejected for the same reasons as discussed above with respect to claim 16.

Furthermore, Furthermore, Dahlén in view of Aktas further fails to teach "retrying, after an

interval lapses since the failing to establish the telephony call, to initiate the telephony call".

Rodriguez teaches retrying, after an interval lapses since the failing to establish the telephony

call, to initiate the telephony call (page no.2-3, paragraph 0029). Thus, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in

view of Aktas to allow retrying, after an interval lapses since the failing to establish the telephony call, to initiate the telephony call as taught by Rodriguez. The motivation for the modification is to do so in order to provide particular time interval such that the system can make several attempts to contact the subscriber within a particular time period.

Dahlén in view of Aktas further in view of Rodriguez fails to teach "interval is specified by the delivery data". Arumainayagam teaches that interval is specified by the delivery data (col.10, lines 37-44). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahlén in view of Aktas further in view of Rodriguez to incorporate an interval specified by the delivery data in Dahlén's invention in view of Aktas further in view of Rodriguez as taught by Arumainayagam. The motivation for the modification is to do so in order to provide the interval of delivery attempt such that the system can try to reach a called party's device in a specified interval of re-attempts based on particular delivery information.

Conclusion

23.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

Sutton, Jr, et al. (US 7,325,249) teach Identifying unwanted electronic messages; and

Pedersen (US 2002/0007400) teach Profile responsive electronic message management system.

24.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action.   Accordingly, **THIS ACTION IS MADE FINAL.**   See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
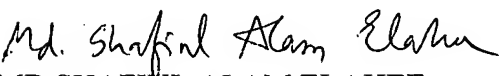
A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.   In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action.   In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

25.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536.   The

examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547.   The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MD SHAFIUL ALAM ELAHEE
Examiner
Art Unit 2614
February 15, 2008

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600